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TriMet

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Attorney for Defendant TriMet

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

DONALD DELONEY, an individual,

Plaintiff,

v.

TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF
OREGON, a public corporation, STEPHEN
BANTA, an individual, AND MICHAEL
FORD, an individual,

Defendants.

Case No. 3:11-cv-00977-ST

**DEFENDANT TRIMET'S MOTION TO
DISMISS AND LR 7.1 CERTIFICATION**

Pursuant to Fed. R. Civ. P. 12(b)

ORAL ARGUMENT REQUESTED

I. MOTION

Pursuant to Fed. R. Civ. P. 12(b)(6), defendant Tri-County Metropolitan Transportation District of Oregon ("TriMet") respectfully moves to dismiss all of the claims asserted against it in the Complaint filed by plaintiff Donald Deloney. Plaintiff's claims for relief against TriMet for violation of 42 USC § 1981 should be dismissed for failure to state a claim as the claims are barred by the statute of limitation.

TriMet's Motion is supported by the following document being filed concurrently herewith:

(1) Memorandum in Support of Defendant TriMet's Motion to Dismiss.

II. LR 7.1 CERTIFICATION

Pursuant to LR 7.1(a), TriMet certifies that it has, through counsel, conferred in good faith with plaintiff by telephone in an effort to resolve the issues raised by this motion, but that the parties have been unable to do so.

Respectfully submitted this 23rd day of May, 2012.

/s/ Erik Van Hagen

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